

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

29984

**FILE:**

B-217154

**DATE:** December 11, 1984**MATTER OF:**

The Computer Terminal, Inc.

**DIGEST:**

Protest filed more than 10 working days after the protester receives denial of earlier protest filed with the contracting agency is untimely and will not be considered on the merits.

The Computer Terminal, Inc. (CTI) protests the award of a contract under invitation for bids No. FWS 7-84-63 issued by the Department of the Interior (DOI). The IFB sought bids for Automatic Data Processing equipment including the availability of 24-hour turnaround-time maintenance support for an office in Anchorage, Alaska. DOI took the position that this required bidders to identify an Anchorage maintenance firm in their bids. DOI rejected CTI's bid because it failed to list an Anchorage firm.

CTI initially filed its protest against the rejection of its bid with DOI, which denied CTI's protest in a letter received by CTI on October 30, 1984. CTI's protest to our Office was filed on November 19, 1984.

We find the protest to be untimely under our Bid Protest Procedures (4 C.F.R. part 21 (1984)). Section 21.2(a) provides that where a protest has been filed initially with the contracting agency, any subsequent protest to this Office must be filed within 10 working days of actual or constructive knowledge of initial adverse agency action on the original protest. Section 21.2(b)(3) defines the term "filed" as receipt. Here, CTI received notice on October 30, 1984, that the contracting agency had denied its protest but did not file its protest with our Office until November 19, which is more than 10 working days after the agency's denial of its protest. Therefore, CTI's protest is untimely. Nu-Way, Inc., B-213662, Jan. 23, 1984, 84-1 CPD ¶ 101.

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We dismiss the protest.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
General Counsel